



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,258	12/15/2000	Ephraim Feig	SOM919990019US1(1963-7360	8747

7590 10/21/2005  
WILLIAM E. LEWIS  
RYAN, MASON & LEWIS LLP  
90 FOREST AVENUE  
LOCUST VALLEY, NY 11560

EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/736,258

Applicant(s)

FEIG, EPHRAIM

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/00</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-15 are subject to examination. Claims 16-57 are cancelled.

#### *Response to Arguments*

2. Applicant's arguments filed 7/5/2005, pages 7-11, have been fully considered but they are not persuasive. Therefore, rejection of claims 1-15 is maintained.

Applicant argues (1), "the combined references do not disclose, teach, or suggest amended claim 1. In particular, the combined references fail to disclose, teach or suggest the applicant's claimed selectively storing the multimedia file on at least one of the application server and the streaming server based on a number of client requests received for the multimedia file". The examiner respectfully disagrees in response to applicant's arguments. The limitations, "selectively storing the multimedia file on at least one of the application server and the streaming server based on a number of client requests received for the multimedia file", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant's amendment. Therefore, the rejection is maintained.

Applicant argues (2), "the cited art Day et al., IBM, 5,996,015 (Hereinafter Day-IBM) fails to teach or suggest claimed storing on an application server multimedia data and a streaming server that converts multimedia data, the method comprising steps for sending the multimedia data, receiving of a client request and converting of multimedia data a format readable by the at least one client apparatus". The examiner respectfully disagrees in response to applicant's arguments. The limitations of the claimed subject matter is rejected by combined

Art Unit: 2154

teachings of Day-IBM and Saxena et al., 5,805,821, IBM (Hereinafter Saxena-IBM). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Day-IBM discloses storing on an application server (e.g., col., 4, lines 42 – 55, figure 2) a multimedia file including a plurality groups of multimedia data (e.g., col., 6, lines 45 - 64); converting (e.g., col., 6, lines 21 – 25) at the streaming server (col., 3, lines 19 – 26, figures 1 and 2), each of the media information received from the buffer (e.g., col., 4, lines 42 – 55, figures 1 and 2) and sending the multimedia data (e.g., col., 5, lines 7 - 29), receiving of a client request (e.g., col., 5, lines 40 - 51) and converting of multimedia data (e.g., col., 6, lines 21 – 25) a format readable by the at least one client apparatus (e.g., col., 5, lines 36 - 48). Day-IBM also discloses usage of different servers including application server and a streaming server (e.g., col., 4, lines 42 – 55, col., 3, lines 19 – 26, figures 1 and 2), and well-known concept of usage of the servers, i.e., combined or separated (e.g., col., 3, lines 21 – 26). Saxena-IBM discloses the well-known concept of each group having a predetermined data size (e.g., col., 31, lines 1 – 41, figures 16 - 21), reading a client address corresponding to at least one client apparatus (e.g., col., 22, lines 3 – 40, figures 7, 11), stripping consecutive groups (e.g., col., 31, lines 1 – 41, figures 16 - 21) and buffering the consecutive groups in a staging buffer (e.g., col., 8, lines 44 - 56). With the combined teachings of Day-IBM and Saxena-IBM, the stripping of the consecutive groups would help select necessary data. The consecutive data would help the software to process the information to support the client. The staging buffer would help store stripped information in a consecutive manner. Group having a predetermined

Art Unit: 2154

data size would help the software to process data for the client. The client address would help the device to support transfer of data to the client. Also, the specification, page 13, lines 16-19, clearly states, "the scope of the present invention is not limited to data communication systems disclosed". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (3), "Saxena-IBM do not disclose, teach, or suggest the applicant's claimed selectively storing the multimedia file on at least one of the application server and the streaming server based on a number of client requests received for the multimedia file". The examiner respectfully disagrees in response to applicant's arguments. The limitations, "selectively storing the multimedia file on at least one of the application server and the streaming server based on a number of client requests received for the multimedia file", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant's amendment. Therefore, the rejection is maintained.

Applicant argues (4), "the cited art Mattaway-NetSpeak fails to teach or suggest claimed determining, in a request handler, a number of client requests from at least one client apparatus for a multimedia file. The examiner respectfully disagrees in response to applicant's arguments. The limitations of the claimed subject matter is rejected by combined teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Mattaway-NetSpeak. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

Art Unit: 2154

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375

(Fed. Cir. 1986). Day-IBM discloses storing on an application server (e.g., col., 4, lines 42 – 55, figure 2) a multimedia file including a plurality groups of multimedia data (e.g., col., 6, lines 45 – 64); converting (e.g., col., 6, lines 21 – 25) at the streaming server (col., 3, lines 19 – 26, figures 1 and 2), each of the media information received from the buffer (e.g., col., 4, lines 42 – 55, figures 1 and 2) and sending the multimedia data (e.g., col., 5, lines 7 – 29), receiving of a client request (e.g., col., 5, lines 40 – 51) and converting of multimedia data (e.g., col., 6, lines 21 – 25) a format readable by the at least one client apparatus (e.g., col., 5, lines 36 – 48). Day-IBM also discloses usage of different servers including application server and a streaming server (e.g., col., 4, lines 42 – 55, col., 3, lines 19 – 26, figures 1 and 2), and well-known concept of usage of the servers, i.e., combined or separated (e.g., col., 3, lines 21 – 26). Saxena-IBM discloses the well-known concept of each group having a predetermined data size (e.g., col., 31, lines 1 – 41, figures 16 – 21), reading a client address corresponding to at least one client apparatus (e.g., col., 22, lines 3 – 40, figures 7, 11), stripping consecutive groups (e.g., col., 31, lines 1 – 41, figures 16 – 21) and buffering the consecutive groups in a staging buffer (e.g., col., 8, lines 44 – 56).

Mattaway-NetSpeak discloses the well-known concept of determining in a request handler in the device a number of client requests from the at least one client apparatus for the information (e.g., col., 3, lines 4 – 38) and comparing the number of client requests for the information to a threshold number (e.g., col., 3, lines 4 – 38). With the combined teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Mattaway-NetSpeak, the software would know how many client requests have occurred. The software would help perform action when the number of client requests is compared with the threshold number. Also, the specification, page 13, lines 16-19,

Art Unit: 2154

clearly states, “the scope of the present invention is not limited to data communication systems disclosed”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (5), “the cited art Sabeti-Washington fails to teach or suggest claimed an application server and a streaming server and also fails to disclose anything regarding the transfer of a file between these two servers after a threshold number of requests are received. The examiner respectfully disagrees in response to applicant's arguments. The limitations of the claimed subject matter are rejected by combined teachings of Day-IBM, Saxena-IBM, Raz-AppStream, Mattaway-NetSpeak and Sabeti-Washington. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Day-IBM discloses storing on an application server (e.g., col., 4, lines 42 – 55, figure 2) a multimedia file including a plurality groups of multimedia data (e.g., col., 6, lines 45 - 64); converting (e.g., col., 6, lines 21 – 25) at the streaming server (col., 3, lines 19 – 26, figures 1 and 2), each of the media information received from the buffer (e.g., col., 4, lines 42 – 55, figures 1 and 2) and sending the multimedia data (e.g., col., 5, lines 7 - 29), receiving of a client request (e.g., col., 5, lines 40 - 51) and converting of multimedia data (e.g., col., 6, lines 21 – 25) a format readable by the at least one client apparatus (e.g., col., 5, lines 36 - 48). Day-IBM also discloses usage of different servers including application server and a streaming server (e.g., col., 4, lines 42 – 55, col., 3, lines 19 – 26, figures 1 and 2), and well-known concept of usage of the

Art Unit: 2154

servers, i.e., combined or separated (e.g., col., 3, lines 21 –26). Saxena-IBM discloses the well-known concept of each group having a predetermined data size (e.g., col., 31, lines 1 – 41, figures 16 - 21), reading a client address corresponding to at least one client apparatus (e.g., col., 22, lines 3 – 40, figures 7, 11), stripping consecutive groups (e.g., col., 31, lines 1 – 41, figures 16 - 21) and buffering the consecutive groups in a staging buffer (e.g., col., 8, lines 44 - 56).

Mattaway-NetSpeak discloses the well-known concept of determining in a request handler in the device a number of client requests from the at least one client apparatus for the information (e.g., col., 3, lines 4 – 38) and comparing the number of client requests for the information to a threshold number (e.g., col., 3, lines 4 – 38). Sabeti-Washington teaches the well-known concept of transferring the entire information from the first device to the second device when the number of client requests is greater than the threshold number (e.g., col., 2, lines 5 – 25). With the combined teachings of Day-IBM, Saxena-IBM, Raz-AppStream, Mattaway-NetSpeak, and Sabeti-Washington the software would help support the number of client requests. Having the entire information transferred would help the software to access the entire information in order to support the requests. The entire information would help the software to support the client requests based on the information requested in each of the requests. Also, the specification, page 13, lines 16-19, clearly states, “the scope of the present invention is not limited to data communication systems disclosed”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter.

Therefore, the rejection is maintained.

Applicant argues (6), “the cited art Brodersen et al., Siebel Systems, 6,732,111 (Hereinafter Brodersen-Siebel) fails to teach or suggest claimed the determination of a rate of



Art Unit: 2154

sending multimedia from a streaming server to a client, the comparison of this rate to a threshold, and the purging of the multimedia file when the rate is less than the threshold". The examiner respectfully disagrees in response to applicant's arguments. The limitations of the claimed subject matter are rejected by combined teachings of Day-IBM, Saxena-IBM, Raz-AppStream, Mattaway-NetSpeak, Sabeti-Washington and Brodersen-Siebel. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Day-IBM discloses storing on an application server (e.g., col., 4, lines 42 – 55, figure 2) a multimedia file including a plurality groups of multimedia data (e.g., col., 6, lines 45 - 64); converting (e.g., col., 6, lines 21 – 25) at the streaming server (col., 3, lines 19 – 26, figures 1 and 2), each of the media information received from the buffer (e.g., col., 4, lines 42 – 55, figures 1 and 2) and sending the multimedia data (e.g., col., 5, lines 7 - 29), receiving of a client request (e.g., col., 5, lines 40 - 51) and converting of multimedia data (e.g., col., 6, lines 21 – 25) a format readable by the at least one client apparatus (e.g., col., 5, lines 36 - 48). Day-IBM also discloses usage of different servers including application server and a streaming server (e.g., col., 4, lines 42 – 55, col., 3, lines 19 – 26, figures 1 and 2), and well-known concept of usage of the servers, i.e., combined or separated (e.g., col., 3, lines 21 – 26). Saxena-IBM discloses the well-known concept of each group having a predetermined data size (e.g., col., 31, lines 1 – 41, figures 16 - 21), reading a client address corresponding to at least one client apparatus (e.g., col., 22, lines 3 – 40, figures 7, 11), stripping consecutive groups (e.g., col., 31, lines 1 – 41, figures 16 - 21) and buffering the consecutive groups in a staging buffer

Art Unit: 2154

(e.g., col., 8, lines 44 - 56). Mattaway-NetSpeak discloses the well-known concept of determining in a request handler in the device a number of client requests from the at least one client apparatus for the information (e.g., col., 3, lines 4 – 38) and comparing the number of client requests for the information to a threshold number (e.g., col., 3, lines 4 – 38). Sabeti-Washington teaches the well-known concept of transferring the entire information from the first device to the second device when the number of client requests is greater than the threshold number (e.g., col., 2, lines 5 – 25). Brodersen-Siebel discloses the well-known concept of a rate of sending of the file from the device to the client apparatus (e.g., col., 2, line 4 – col., 3, line 14), comparing the rate of sending to a threshold number (e.g., col., 2, line 4 – col., 3, line 14), purging the file from the device when the rate of sending is less than the threshold number (e.g., col., 3, line 9 – col., 4, line 24). With the combined teachings of Day-IBM, Saxena-IBM, Raz-AppStream, Mattaway-NetSpeak, Sabeti-Washington and Brodersen-Siebel the threshold number would help the software know when to purge the information including the file. The comparison of the rate of sending the file with the threshold number would help the software to handle the information of the device. The predetermined time period would help the software decide when to purge the information from the device. Also, the specification, page 13, lines 16-19, clearly states, “the scope of the present invention is not limited to data communication systems disclosed”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (7), that limitation “converting after comparing and waiting a predetermined time”, is not well known in the art. The examiner respectfully disagrees in

Art Unit: 2154

response to applicant's arguments. For example, Bommaiah et al., 6,708,213, discloses these limitations, e.g., col., 4, lines 53 – 63, col., 14, lines 31 – 50; Cousins, 6,618,385, discloses these limitations, e.g., col., 3, lines 42 – 58, col., 6, lines 27 - 60; Downing et al., 6,373,855, discloses these limitations, e.g., col., 2, lines 62 – col., 3, line 15, col., 4, lines 39 - 59; Vaid et al., 6,078,953, discloses these limitations, e.g., col., 18, lines 2 - 24; Bowman, IV et al., US 2003/0050535, Mar 13, 2003, paragraphs 148, 157; Young et al., 5,838,950, e.g., col., 69, line 47 – col., 70, line 25; Bloomfield et al., US 2001/0036322, Nov 1, 2001, paragraphs 97, 106; Yavits et al., US 2004/0136459, discloses these limitations, e.g., paragraphs 133, 134, col., 12, lines 25 – 54; Campbell et al., US 2003/0140159, Jul 24, 2003, paragraphs 147, 159; Yik et al., US 2002/0093964, Jul 18, 2002, paragraphs 6, 18; Gerhart et al., US 2003/0023790, Jan 30, 2003, paragraphs 20, 21, 26; Suvanen et al., 6,320,880, discloses these limitations, e.g., col., 4, lines 16-48, col., 10, lines 8 – 15, Enari, 6,747,998, discloses these limitations, e.g., col., 4, line 49 – col., 5, line 18; Hart, 6,408,310, discloses these limitations, e.g., col., 4, lines 31 – 67. The claim is open-ended (comprising), also, the specification, page 13, lines 16-19, clearly states, “the scope of the present invention is not limited to data communication systems disclosed”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2154

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al., IBM, 5,996,015 (Hereinafter Day-IBM) in view of Saxena et al., 5,805,821, IBM (Hereinafter Saxena-IBM) and Raz et al., U.S. Publication 2002/0138640, AppStream (Hereinafter Raz-AppStream).

5. As per claim 1, Day-IBM clearly teaches a method for transferring multimedia data (e.g., col., 5, lines 35 – 53, col., 6, lines 26 – 60, figure 2) using a data communication system (e.g., figure 1) comprising the steps of:

storing on an application server (e.g., col., 4, lines 42 – 55, figure 2) a multimedia file including a plurality groups of multimedia data (e.g., col., 6, lines 45 - 64);

receiving a client request at the application server (e.g., col., 5, lines 40 - 51);

transferring (e.g., col., 3, lines 12 – 51) to a streaming server (e.g., col., 3, lines 12 – 38, figures 1 and 2) information from the buffer (e.g., col., 4, lines 42 – 55, figures 1 and 2),

converting (e.g., col., 6, lines 21 – 25) at the streaming server (col., 3, lines 19 – 26, figures 1 and 2), each of the media information received from the buffer (e.g., col., 4, lines 42 – 55, figures 1 and 2) into a format readable by the at least one client apparatus (e.g., col., 5, lines 36 - 48), and

sending each of the consecutive groups to the at least one client apparatus (e.g., col., 5, lines 7 - 29).

However, Day-IBM does not specifically mention about each group having a predetermined data size, reading a client address corresponding to at least one client apparatus, stripping consecutive groups and buffering the consecutive groups in a staging buffer.

Saxena-IBM discloses the well-known concept of each group having a predetermined data size (e.g., col., 31, lines 1 – 41, figures 16 - 21), reading a client address corresponding to at least one client apparatus (e.g., col., 22, lines 3 – 40, figures 7, 11), stripping consecutive groups (e.g., col., 31, lines 1 – 41, figures 16 - 21) and buffering the consecutive groups in a staging buffer (e.g., col., 8, lines 44 - 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM with the teachings of Saxena-IBM in order to facilitate each group having a predetermined data size, reading a client address corresponding to at least one client apparatus, stripping consecutive groups and buffering the consecutive groups in a staging buffer because the stripping of the consecutive groups would help select necessary data. The consecutive data would help the software to process the information to support the client. The staging buffer would help store stripped information in a consecutive manner. Group having a predetermined data size would help the software to process data for the client. The client address would help the device to support transfer of data to the client.

However, Day-IBM and Saxena-IBM do not specifically mention about selectively storing on at least one of the servers based on a number of client requests received.

Raz-AppStream discloses the well-known concept of selectively storing on at least one of the servers (e.g., at least one of the intermediate servers 190 or 200, figure 3-5, paragraph 39, col., 4, also usage of one of the node based on shortest path, paragraph 64, col., 7, paragraphs 15, 17 and 19, col., 2) based on a number of client requests received (e.g., number of clients utilizing streaming information, paragraph 54, historical count of the number of times a client made request, paragraph 69, col., 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM and Saxena-IBM with the teachings of Raz-AppStream in order to facilitate selectively storing on at least one of the servers based on a number of client requests received because the concept of utilizing number of client requests received would let the system know which information is most frequently used by the client. The system would store and provide the information in one of the servers, which would enhance improving the delivery time to the client(s).

6. As per claim 4, Day-IBM, Saxena-IBM and Raz-AppStream disclose the claimed limitations as rejected above. Day-IBM also teaches the at least one client apparatus is selected from a group consisting of: a personal computer, a fax machine, a hard drive, a telephone interface, a wireless telephone, a radio receiver, and a personal digital assistant (e.g., figures 1 and 2).

7. As per claim 5, Day-IBM, Saxena-IBM and Raz-AppStream disclose the claimed limitations as rejected above. Day-IBM also teaches the multimedia file is selected from a group consisting of: video files, music files, computer generated graphics files, still image files, and sound files (e.g., col., 6, lines 15 – 30, col., 3, lines 18 - 24).

8. Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream in view of Akeley, Silicon Graphics, 5,933,155 (Hereinafter Akeley-Silicon-Graphics).

Art Unit: 2154

9. As per claims 2 and 3, Day-IBM, Saxena-IBM and Raz-AppStream disclose the claimed limitations as rejected above. Day-IBM also teaches the multimedia file is a video file / MPEG format (e.g., col., 3, lines 18 - 24). However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about multimedia data comprises a video frame, each frame corresponds to a frame display duration, and the rate at which consecutive frames are transferred to a device from the buffer corresponds to intervals of each display duration.

Akeley-Silicon-Graphics discloses the well-known concept of multimedia data comprises a video frame (e.g., figures 1-3, col., 3, line 26 – col., 4, line 64), each frame corresponds to a frame display duration (e.g., figures 1-3, col., 3, line 26 – col., 4, line 64), and the rate at which consecutive frames are transferred to a device from the buffer corresponds to intervals of each display duration (e.g., figures 1-3, col., 3, line 26 – col., 4, line 64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Akeley-Silicon-Graphics in order to facilitate a multimedia data comprises a video frame corresponding to a frame display duration and the rate at which consecutive frames are transferred to a device from the buffer correspond to intervals of each display duration because the video frame display duration information would help software to handle the video frame for the client. The rate at which the consecutive frames are transferred would help software for adjusting the video information provided to the client.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream in view of Kessler et al., Sun Microsystems, 6,681,306 (Hereinafter

Art Unit: 2154

Kessler-Sun), Eylon et al., AppStream, U.S. Publication 2001/0034736 (Hereinafter Eylon-AppStream) and Srikantan et al., Sun Microsystems, 6,857,130 (Hereinafter Srikantan-Sun).

11. As per claim 6, Day-IBM, Saxena-IBM and Raz-AppStream teach the claimed limitations as rejected above. However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about determining, in the device according to a garbage-collection algorithm and whether there is sufficient space in the device to hold the information from the memory before the device transfers the information from the memory to the device.

Kessler-Sun discloses the well-known concept of determining in the device according to a garbage-collection algorithm (e.g., col., 3, lines 14 – 38) and whether there is sufficient space in the device to hold the information from the memory before the device transfers the information from the memory to the device (e.g., col., 3, lines 14 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Kessler-Sun in order to facilitate usage of a garbage-collection algorithm and to check whether there is sufficient space in the device to hold the information from the memory before the device transfers the information from the memory to the device because the garbage collection would help remove unnecessary data from the memory. By checking whether sufficient memory space exist, the software would help handle the information for processing.

Day-IBM, Saxena-IBM, Raz-AppStream and Kessler-Sun do not specifically mention about purging information from the device when it is determined that there is not sufficient space in the streaming server to hold the information from the buffer.



Art Unit: 2154

Eylon-AppStream discloses the well-known concept of purging information from the device when it is determined that there is not sufficient space in the streaming server to hold the information from the buffer (e.g., col., 4, lines 5 – 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Kessler-Sun with the teachings of Eylon-AppStream in order to facilitate purging information from the device when it is determined that there is not sufficient space in the streaming server to hold the information from the buffer because the purging would help regain memory space. The regained memory space would help provide storage space to the software for the information that needs to be stored.

Day-IBM, Saxena-IBM, Raz-AppStream, Kessler-Sun and Eylon-AppStream do not specifically mention about sending notice of a new client to the streaming server.

Srikantan-Sun discloses the well-known concept of sending notice of a new client to the device (e.g., figure 1, col., 3, lines 39 - 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM, Raz-AppStream, Kessler-Sun and Eylon-AppStream with the teachings of Srikantan-Sun in order to facilitate sending notice of a new client to the device because the notice would help inform the software. The software would help support the new client.

Art Unit: 2154

12. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream, in view of Lin et al., Lucent Technologies, 6,405,256 (Hereinafter Lin-Lucent) and “Official Notice”.

13. As per claims 7 and 8, Day-IBM, Saxena-IBM and Raz-AppStream teach the claimed limitations as rejected above. However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about determining at the first device, a transfer rate from the second device to the first device and a sending rate from the first device to the at least one client apparatus; and comparing the transfer rate to the sending rate.

Lin-Lucent discloses the well-known concept of determining at the first device, a transfer rate from the second device to the first device and a sending rate from the first device to the at least one client apparatus (e.g., col., 4, lines 8 – 43), comparing the transfer rate to the sending rate and performing the action when the sending rate is greater than the transfer rate (e.g., col., 4, lines 8 – 43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Lin-Lucent in order to facilitate determining at the first device, a transfer rate from the second device to the first device and a sending rate from the first device to the at least one client apparatus and comparing the transfer rate to the sending rate and performing the action when the sending rate is greater than the transfer rate because the comparison between the two rates would help the software to handle the information based on the transfer rate and the sending rate. Performing the action would help the software to not lose the information for the client.

Day-IBM, Saxena-IBM, Raz-AppStream and Lin-Lucent do not specifically mention about performing the comparing step and waiting a predetermined time period before the device performs the converting step.

“Official Notice” is taken that both the concept and advantages of the converting after comparing and waiting a predetermined time period is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include performing the converting after comparing and waiting a predetermined time period with the teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Lin-Lucent in order to facilitate conversion of information done after the comparison of transfer rates because the comparison would help gather all the information before the information is converted. Waiting a predetermined time period before the device performs the converting would help the information to be collected in order to support the converting.

14. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream in view of Mattaway et al., NetSpeak Corporation, 6,185,184 (Hereinafter Mattaway-NetSpeak) and Sabeti, Washington, U.S. 2002/0023127 (Hereinafter Sabeti-Washington).

15. As per claims 9 and 10, Day-IBM, Saxena-IBM and Raz-AppStream teach the claimed limitations as rejected above. However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about determining in a request handler in the device a number of client requests from the at least one client apparatus for the information and comparing the number of client requests for the information to a threshold number.

Art Unit: 2154

Mattaway-NetSpeak discloses the well-known concept of determining in a request handler in the device a number of client requests from the at least one client apparatus for the information (e.g., col., 3, lines 4 – 38) and comparing the number of client requests for the information to a threshold number (e.g., col., 3, lines 4 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Mattaway-NetSpeak in order to facilitate determining number of client requests from the at least one client apparatus for the information and comparing the number of client requests for the information to a threshold number because the software would know how many client requests have occurred. The software would help perform action when the number of client requests is compared with the threshold number.

Day-IBM, Saxena-IBM, Raz-AppStream and Mattaway-NetSpeak do not specifically mention about transferring the entire information from the first device to the second device when the number of client requests is greater than the threshold number.

Sabeti-Washington teaches the well-known concept of transferring the entire information from the first device to the second device when the number of client requests is greater than the threshold number (e.g., col., 2, lines 5 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Mattaway-NetSpeak with the teachings of Sabeti-Washington in order to facilitate transferring the entire information from the first device to the second device when the number of client requests is greater than the threshold number because the software would help support the number of client

Art Unit: 2154

requests. Having the entire information transferred would help the software to access the entire information in order to support the requests. The entire information would help the software to support the client requests based on the information requested in each of the requests.

16. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream in view of Kessler-Sun and Brodersen et al., Siebel Systems, 6,732,111 (Hereinafter Brodersen-Siebel).

17. As per claims 11 and 12, Day-IBM, Saxena-IBM and Raz-AppStream teach the claimed limitations rejected under claim 1. However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about determining, in the device according to a garbage-collection algorithm.

Kessler-Sun discloses the well-known concept of determining in the device according to a garbage-collection algorithm (e.g., col., 3, lines 14 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Kessler-Sun in order to facilitate usage of a garbage-collection because the garbage collection would help remove unnecessary data from the memory.

Day-IBM, Saxena-IBM, Raz-AppStream and Kessler-Sun do not specifically mention about a rate of sending of the file from the device to the client apparatus, comparing the rate of sending to a threshold number, purging the file from the device when the rate of sending is less than the threshold number, wherein the rate of sending is a number of times the file has been sent

Art Unit: 2154

over a predetermined time period, and the predetermined time period is selected from a group consisting of one minute, one hour, one day, one week, one month, and one year.

Brodersen-Siebel discloses the well-known concept of a rate of sending of the file from the device to the client apparatus (e.g., col., 2, line 4 – col., 3, line 14), comparing the rate of sending to a threshold number (e.g., col., 2, line 4 – col., 3, line 14), purging the file from the device when the rate of sending is less than the threshold number (e.g., col., 3, line 9 – col., 4, line 24), wherein the rate of sending is a number of times the file has been sent over a predetermined time period (e.g., col., 3, line 9 – col., 4, line 24), and the predetermined time period is selected from a group consisting of one minute, one hour, one day, one week, one month, and one year (e.g., col., 3, line 9 – col., 4, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Kessler-Sun with the teachings of Brodersen-Siebel in order to facilitate comparing a rate of sending of the file from the device to a threshold number for purging when the rate of sending is less than the threshold number because the threshold number would help the software know when to purge the information including the file. The comparison of the rate of sending the file with the threshold number would help the software to handle the information of the device. The predetermined time period would help the software decide when to purge the information from the device.

18. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream in view of Kessler-Sun, Brodersen-Siebel and Gustman, Survivors Foundation, 5,832,499 (Hereinafter Gustman-Survivors).

Art Unit: 2154

19. As per claims 13 and 14, Day-IBM, Saxena-IBM and Raz-AppStream teach the claimed limitations as rejected above. However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about determining, in the device according to a garbage-collection algorithm.

Kessler-Sun discloses the well-known concept of determining in the device according to a garbage-collection algorithm (e.g., col., 3, lines 14 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Kessler-Sun in order to facilitate usage of a garbage-collection because the garbage collection would help remove unnecessary data from the memory.

Day-IBM, Saxena-IBM, Raz-AppStream and Kessler-Sun do not specifically mention about a rate of sending of the file from the device to the client apparatus, comparing the rate of sending to a threshold number, wherein the rate of sending is a number of times the file has been sent over a predetermined time period, and the predetermined time period is selected from a group consisting of one minute, one hour, one day, one week, one month, and one year.

Brodersen-Siebel discloses the well-known concept of a rate of sending of the file from the device to the client apparatus (e.g., col., 2, line 4 – col., 3, line 14), comparing the rate of sending to a threshold number (e.g., col., 2, line 4 – col., 3, line 14), wherein the rate of sending is a number of times the file has been sent over a predetermined time period (e.g., col., 3, line 9 – col., 4, line 24), and the predetermined time period is selected from a group consisting of one minute, one hour, one day, one week, one month, and one year (e.g., col., 3, line 9 – col., 4, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM, Raz-AppStream and Kessler-Sun with the teachings of Brodersen-Siebel in order to facilitate comparing a rate of sending of the file from the device to a threshold number for purging when the rate of sending is less than the threshold number because the threshold number would help the software to decide on when to purge the information including the file. The comparison of the rate of sending the file with the threshold number would help the software to handle the information of the device. The predetermined time period would help the software decide on purging the information from the device.

Day-IBM, Saxena-IBM, Raz-AppStream, Kessler-Sun and Brodersen-Siebel do not specifically mention about keeping the file stored on the device when the rate of sending is greater than the threshold number.

Gustman-Survivors discloses the well-known concept of keeping the file stored on the device when the rate of sending is greater than the threshold number (e.g., col., 2, lines 3 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM, Raz-AppStream, Kessler-Sun and Brodersen-Siebel with the teachings of Gustman-Survivors in order to facilitate keeping the file stored on the device when the rate of sending is greater than the threshold number because the threshold number would help the software to decide on when to not purge the information including the file. The threshold number would help the software decide to not purging the information from the device.



Art Unit: 2154

20. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day-IBM, Saxena-IBM and Raz-AppStream in view of Thro et al., Motorola, 6,037,991 (Hereinafter Thro-Motorola).

21. As per claim 15, Day-IBM, Saxena-IBM and Raz-AppStream teach the claimed limitations as rejected above. However, Day-IBM, Saxena-IBM and Raz-AppStream do not specifically mention about determining in a time-division multiplexer program in the device a priority order for sending the information when there are plurality of client apparatus.

Thro-Motorola discloses the well-known concept of determining in a time-division multiplexer program in the device a priority order for sending the information when there are plurality of client apparatus (e.g., col., 4, lines 8 – 42, figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Day-IBM, Saxena-IBM and Raz-AppStream with the teachings of Thro-Motorola in order to facilitate usage of a time-division multiplexer program and a priority order for sending the information because the time-division multiplexing would help handle a plurality of clients. The priority order would help software to provide information to the plurality of clients.

### ***Conclusion***

22. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2154

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

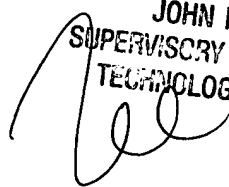
Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

October 11, 2005

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2154